REMARKS

Applicant respectfully request entry of the above-noted amendments to the specification to correct minor typographical errors. Applicant cancels claims 5, 10, 12-13, 19, 21, and 23-29 without prejudice or disclaimer. Applicant requests amendment of claims 1-4, 6-7, 9, 11, 14-18, 20, and 30-31 and entry of new claims 33-44. Accordingly, after entry of the above-requested amendments, claims 1-4, 6-9, 11, 14-18, 20, 22-25, and 30-39 are pending.

Objections to the Drawings and Specification

The Office action noted several instances where the specification and drawings did not correspond, e.g., reference numerals in the specification which were inconsistent with the drawings, reference numerals in the drawings which were not present in the specification, etc. In response, Applicant has amended the specification as noted above, and as such, respectfully requests that the objections to the specification and drawings be removed.

Double Patenting

The Office action noted that should claim 2 be found allowable, claim 3 would be objected to under 37 C.F.R. § 1.75 as being a substantially duplicate. In response, Applicant has amended claim 3 to correct a typographical error (i.e., "second broadcast channel" amended to "third broadcast channel"). As a result, Applicant respectfully requests that claims 2 and 3 are not substantial duplicates.

Claim Objections

Claim 3 stands objected to because the phrase "the second broadcast channel" lacks antecedent basis. As noted above, Applicant has amended claim 3 to recite "the

third broadcast channel" to correct a typographical error. The recited third broadcast channel is introduced in independent claim 1, and provides antecedent basis for claim 3. Accordingly, Applicant respectfully requests removal of the objection to claim 3.

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Rejections under 35 U.S.C. § 103

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Claims 1-11, 13, and 14 stand rejected under 35 U.S.C. § 103 as being rendered obvious by U.S. Patent No. 6,536,041 to Knudson et al. [hereinafter Knudson] in view of U.S. Patent No. 6,137,549 to Rasson et al. [hereinafter Rasson] and further in view of U.S. Patent No. 6,049,824 to Simonin [hereinafter Simonin]. Claims 15-26 and 28-32 stand rejected under 35 U.S.C. § 103 as being rendered obvious by Knudson in view of Rasson. Applicant respectfully traverses the rejections as follows.

Initially, Applicant has canceled claims 5, 10, 12-13, 19, 21, and 23-29 without prejudice or disclaimer. As a result, the rejections of those claims is currently moot.

Independent Claim 1

Claim 1, as amended, recites, *inter alia*, assigning a first priority level to the first indicator associated with an event that occurs in at least one of the plurality of television programs; assigning a second priority level, different from the first priority level, to the second indicator associated with at least a portion of the television program data; and assigning a third priority level, different from the first and second priority levels, to the third indicator associated with at least a portion of the Internet Protocol data. The cited references Knudson, Rasson, and Simonin do not teach or suggest these features of claim 1.

Applicant agrees with the Office action acknowledgement that Knudson is silent with respect to assigning a priority level to each of the indicators associated with events. The cited reference of Rasson does not cure this defect. Specifically, the Office action suggests that Rasson, directed toward prioritizing programming information based on expiration time of the messages, teaches such features. However, Rasson does not teach or suggest assigning a different priority level to different types of data feeds (e.g., television programs, television program data, and Internet Protocol data) as recited in claim 1. Initially, Rasson does not teach or suggest different types of data feeds, much less assigning different priority levels based on the type of data feed.

Moreover, there is no motivation to modify Rasson to suggest prioritizing different data feeds since prioritization based on expiration time of programming data in the user device as suggested by Rasson does not teach or suggest prioritizing indicators based on data feed. Specifically, the indicators each associated with portions of distinct data feeds of claim 1 may or may not have expiration dates or times. For example, the box scores of a game in progress or for a completed game, may not have an expiration time since that score will always be the score of that game. Similarly, a news article from an Internet Protocol data feed may not have an expiration date or time, since that article may always exist and its data relevant.

In the Office action's rejection of independent claim 15, the Office provides a motivation to modify Knudson's 'event producer' "so as to assign each of the data feeds one of a set of priority attributes, format the data feeds for a one-way broadcast transmission, sort the data feeds according to their assigned priority attributes, and output the sorted data feeds for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals." (Office action, page 14). Initially, claim 1 recites assigning a priority to portions of data feeds,

and not the entire data feed. In addition, the cited motivation to modify in Rasson is directed specifically to television program data, and not to different types of data feeds as recited in claim 1. Finally, any added advantage or improvement in the delivery of television programs, television program data, and Internet Protocol data is specifically one of many potential advantages of the current invention. Thus, any such modification to Rasson, without a specific teaching in the cited art, would be improper under M.P.E.P. § 2144.03, since the Examiner would appear to rely on common knowledge to reject the principle basis of Applicant's claim 1 directed toward assigning priority levels based on type of data feed.

Thus, since Rasson does not teach or suggest assigning priority levels based on the type of data feed (e.g., television program, television program data, and Internet Protocol data), Applicant respectfully suggests that a combination of Knudson, Rasson, and Simonin does not and cannot teach or suggest the features of claim 1. Moreover, there is no motivation to modify Rasson in combination with Knudson to teach the features of claim 1. Rather, a combination of Rasson and Knudson would likely assign priority levels to the programming data based on expiration of the programming data itself. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

In addition, claim 1 recites, *inter alia*, delivering the first indicator [associated with at least one of the television programs] to the client system in real-time based on the first assigned priority level. Rasson, since it deals specifically with television program data, does not consider real-time delivery of information, much less assigning a priority level based on a type of data feed and delivering the indicator associated with a portion of the data feed in real-time.

In addition, claim 1 recites, *inter alia*, delivering the second indicator [associated with at least a portion of the television program data] to the client system in a fast mode based on the second assigned priority level. Although Rasson considers delivering television program data, it does not teach or suggest a mode of delivery (i.e., fast mode) for the television program data which is different from a mode of delivery for other types of data feeds.

In addition, claim 1 recites, *inter alia*, delivering the third indicator [associated with at least a portion of the Internet Protocol data] to the client system in a normal mode based on the third assigned priority level. As noted above, Rasson does not consider delivering Internet Protocol data, much less providing a mode of delivery of the Internet protocol data based on an assigned priority level of that data feed.

Accordingly, Applicant believes that claim 1 distinguishes over the cited art and the rejection under § 103 should be withdrawn. Claims 2-4, 6-7, 9, 11, and 14 and new claims 33-36 depend from independent claim 1 and are patentable for at least the foregoing reasons.

Independent Claim 15

Claim 15, as amended, recites, *inter alia*, assigning a first priority to said first event-based content [recurring in real-time], assigning a second priority different from the first priority to the second event-based content [including daily changing information], inserting the first data packet and then the second data packet into the data stream when the first priority is greater than the second priority, and sending the data stream to a client system. The cited references of Knudson and Rasson do not teach or suggest these features of claim 15.

Specifically, Rasson does not resolve the defects of Knudson in failing to teach or suggest assigning a priority based on the type of content (i.e., real-time content and daily changing content). As noted above with respect to claim 1, Rasson does not teach or suggest different types of content, much less assigning a priority based on content. Rather, Rasson suggests assigning a priority based on an expiration date of the content.

As noted above, there is no motivation to modify Rasson to suggest prioritizing different event-based content based on real-time content and daily content. Specifically, the motivation to modify provided by the Office action ("for providing efficient/improved arrangement for the delivery of program guide data to a set-top terminal") does not teach or suggest prioritizing real-time event based content differently from daily changing event based content.

Accordingly, Applicant believes that claim 15 distinguishes over the cited art and the rejection under § 103 should be withdrawn.

Independent Claim 16

Knudson in view of Rasson and Simonin does not teach or suggest the features of claim 16, as amended, including, *inter alia*, an event producer for assigning each of the data feeds one of a set of priority attributes, a first data feed having a priority level of a real-time level, a second data feed having a priority level of a fast level which is less than the real-time level, a third data feed having a priority level of a normal level which is less than the fast level, and a fourth data feed having a priority level of a low level which is less than the normal level; and sorting the data feeds according to their assigned priority attributes. Applicant agrees with the Office action that Knudson does not teach or suggest formatting or sorting the data feeds based upon levels of priority.

However, Applicant believes that the Office action's reliance on Rasson is misplaced, especially in view of the current amendments to claim 16.

Specifically, the Office action equates Rasson's teaching of prioritizing a single data feed based on expiration times with the features of claim 16 including prioritizing based on type of data feed. As noted above with respect to claim 1, Rasson does not teach or suggest different types of data feeds, much less assigning a priority based on type of data feed. Rather, Rasson suggests assigning a priority based on an expiration date of the content.

As noted above, there is no motivation to modify Rasson to suggest prioritizing different data feeds, much less prioritizing to levels indicating real-time, fast, normal, and low as recited in claim 16 as amended. Specifically, the motivation to modify provided by the Office action ("for providing efficient/improved arrangement for the delivery of program guide data to a set-top terminal") does not teach or suggest prioritizing data feeds differently, much less to the differentiated levels recited in claim 16.

Accordingly, Applicant believes that claim 16 distinguishes over the cited art and the rejection under § 103 should be withdrawn. Claims 17-18, 20, and 22 and new claims 37-39 depend from independent claim 16 and are patentable for at least the foregoing reasons.

Independent Claim 30

Claim 30, as amended, recites, *inter alia*, assigning a real-time priority level to the tunable alert [associated with the first dynamic content of a first event in the television programming]; assigning a fast priority, lower than the real-time priority level, to the second event identifier [associated with the second event indicating box scores of

a sports game], delivering the tunable alert to one or more client devices, and after delivering the tunable alert, then delivering the second event identifier to the one or more client devices. The cited references do not teach or suggest these features of claim 30.

Specifically, Rasson does not resolve the defects of Knudson in failing to teach or suggest assigning a priority based on the type of dynamic content (i.e., real-time tunable alerts and box scores). As noted above with respect to claim 1, Rasson does not teach or suggest different types of content, much less assigning a priority based on content. Rather, Rasson suggests assigning a priority based on an expiration date of the content. Even more so, the content of box scores assigned the fast priority level do not have an expiration date, since a final box score for a game will never change. As such, Rasson cannot teach or suggest assigning a priority based on content, much less differentiating between a tunable alert and box scores.

Similar to that noted above with respect to claim 1, there is no motivation to modify Rasson to suggest prioritizing different content based on real-time content and box scores. Moreover, suggesting prioritization based on expiration date does not teach or suggest selecting priorities to indicate real-time content or box scores, since Rasson teaches only daily changing content. The motivation to modify provided by the Office action ("for providing efficient/improved arrangement for the delivery of program guide data to a set-top terminal") does not teach or suggest prioritizing real-time tunable alerts differently from box score content.

Accordingly, Applicant believes that claim 30 distinguishes over the cited art and the rejection under § 102 should be withdrawn. Claims 31- 32 depend from independent claim 30 and are patentable for at least the foregoing reasons.

CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: June 5, 2006   By: _____
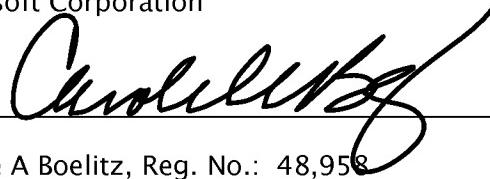
Microsoft Corporation   Carole A Boelitz, Reg. No.: 48,958
One Microsoft Way   Attorney for Applicants
Redmond WA 98052-6399   Direct telephone (425) 722-6035

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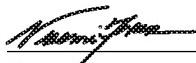
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Type of Response: Amendment
Application Number: 09/904,409
Attorney Docket Number: 164052.03
Filing Date: 07/21/2001